

## **REMARKS/ARGUMENTS**

This submission accompanies an RCE and serves as a response to the Final Office Action of March 19, 2007 issued in connection with the instant application. Reconsideration of the application is respectfully requested.

Applicant's attorneys appreciate the Examiner's continued thorough search and examination of the present patent application.

Claims 1-28 are pending in this application. Claims 17-28 have been withdrawn from consideration. Claims 1-16 have been rejected.

Claims 13-16 have been objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-3, 8 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,726,677 to Flaherty ("Flaherty").

Claims 4-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Flaherty in view of U.S. Patent No. 6,605,033 to Matsuno ("Matsuno").

Claims 6, 7, 9, and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Flaherty in view of Matsuno and in further view of U.S. Patent Application Publication No. 2003/0216616 to Krupa ("Krupa").

Claim 12 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Flaherty in view of U.S. Patent Application Publication No. 2002/0032365 to Hasegawa ("Hasegawa").

Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 1 has been amended to better recite the limitations of the invention. Specifically, claim 1 now teaches that the elongated insertion unit of the endoscope comprises adjoining bending and distal sections. Also, claim 1 now asserts that the guide member is made up of "a plurality of tubular members having varying outer diameters" and that each tubular member has "a guide channel of a predetermined inner diameter permitting-passage of tubular members having smaller outer diameter and the insertion unit".

The Examiner has referenced Figure 3 and col. 8, lines 41-50 of Flaherty as teaching the endoscope and the guide member of the invention of claim 1. Under scrutiny, however, this assertion fails. First, the Examiner compares a probe 84 of Flaherty to the "elongated insertion

unit comprising adjoining bending and distal sections” of claim 1. An example of the bending 12 and distal 11 sections is illustrated in Figure 1.

Second, at col. 8, lines 42-43, Flaherty states that “[t]he catheter 80 is adapted to advance over a guidewire 81.” This contradicts claim 1, which recites “a guide member for guiding the insertion unit, the insertion unit guide member including a plurality of tubular members having varying outer diameters”. While Flaherty teaches advancing catheter over a guidewire, claim 1 teaches guiding the insertion unit within the guide member, which is made up of tubes.

Finally, claim 1 recites “a plurality of tubular members having varying outer diameters” and “tubular members having ....a guide channel of a predetermined inner diameter permitting passage of tubular members having smaller outer diameter and the insertion unit”. Passing tubular parts of the guide member through each other is not taught, described, or suggested by Flaherty.

Therefore, because of the above-described deficiencies, Flaherty does not anticipate independent claim 1.

Matsuno, Krupa, and Hasegawa were not used by the Examiner to reject claim 1.

Claims 2-16 depend directly or indirectly from above discussed independent claim 1 and are, therefore, patentable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the respective independent claims.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE UNITED STATES  
PATENT AND TRADEMARK OFFICE  
EFS FILING SYSTEM  
ON JUNE 6, 2007

Respectfully submitted,



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